

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

ALETA RIVERA ATCHISON-JORGAN
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ALETA RIVERA ATCHISON-JORGAN,

Declarant,

Case No. 12-mc-50879

Hon. Gerald E. Rosen

Magistrate Judge Mona K. Majzoub

v.

GENERAL RETIREMENT SYSTEM OF THE
CITY OF DETROIT, *et al.*,

Respondents.
_____ /

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 17, 2014

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

In a Report and Recommendation ("R & R") issued on March 6, 2014, Magistrate Judge Mona K. Majzoub recommends that the Court (i) grant in part and deny in part Respondents' motion to dismiss and strike the various filings of Declarant Aleta Rivera Atchison-Jorgan in this miscellaneous matter, and (ii) deny Respondents' motion for sanctions. Ms. Atchison-Jorgan has filed a number of objections to the R & R, and Respondents have responded to these objections. Having reviewed the Magistrate

Judge's R & R, Ms. Atchison-Jorgan's objections, Respondents' response to these objections, Respondents' underlying motions, and the remainder of the record, the Court overrules Ms. Atchison-Jorgan's objections and adopts the R & R in its entirety.

Although Ms. Atchison-Jorgan's submission in response to the Magistrate Judge's R & R purports to lodge nine "objections" to the R & R, the Court construes this submission as raising only two challenges to the Magistrate Judge's rulings. First, Ms. Atchison-Jorgan takes issue with the R & R's purported characterization of her as a "tax protester," (*see* R & R at 12), arguing that this assertion is "unlawful," "unsubstantiated," and "unfounded," (Declarant's Objections at 2). Yet, in the cited passage of the R & R, the Magistrate Judge is merely quoting from Respondents' brief in support of their motion for sanctions, with this quotation used by the Magistrate Judge to explain why an award of Rule 11 sanctions is not warranted here. (*See* R & R at 12-13.) Plainly, then, the Magistrate Judge did not accept or adopt Respondents' suggestion that Ms. Atchison-Jorgan is a "tax protestor," nor did this assertion play any role in the Magistrate Judge's rulings — except, perhaps, in support of a ruling *against* Respondents and in favor of Ms. Atchison-Jorgan. This objection, then, is wholly without merit.

Next, Ms. Atchison-Jorgan advances a number of objections that, viewed as whole, take issue with the notion that the Magistrate Judge or this Court should deem it necessary to issue any rulings at all in this miscellaneous matter. As observed in the R & R, Ms. Atchison-Jorgan has consistently maintained throughout these proceedings that her filings in this matter were not intended as the commencement of litigation or the

pursuit of any claims against Respondents, but rather were meant only to develop a “Public Miscellaneous File” documenting Ms. Atchison-Jorgan’s interactions with Respondents and the Internal Revenue Service. (*See* R & R at 6-7, 10, 12-13.)

Be that as it may, the Magistrate Judge correctly explains that “[t]he Court’s docket is not a public file server.” (*Id.* at 7.) Simply stated, Ms. Atchison-Jorgan has failed to identify any authority for the proposition that she is entitled to file documents with a federal district court despite her avowed lack of interest in pursuing any sort of litigation or seeking any form of judicial relief, but solely for the purpose of compiling a “Public Miscellaneous File.” Against this backdrop, Respondents need not simply accept Ms. Atchison-Jorgan at her word and stand idly by while she files with the Court and mails to Respondents documents which, on their face, appear to seek “hundreds of millions of dollars in damages from Respondents” for purported tort and contract violations. (R & R at 3-4.) Rather, Respondents surely are entitled to appear before the Court and seek the dismissal of any claims that Ms. Atchison-Jorgan might be viewed as asserting through these submissions, and the Court fully concurs in the Magistrate Judge’s conclusion that any such claims should be dismissed and that Ms. Atchison-Jorgan’s submissions should be stricken from the docket as filed without any legal basis or authority.

Accordingly, for these reasons,

NOW, THEREFORE, IT IS HEREBY ORDERED that Declarant Aleta Rivera Atchison-Jorgan’s March 20, 2014 objections (docket #26) to the Magistrate Judge’s

March 6, 2014 Report and Recommendation are OVERRULED, and that the Magistrate Judge's R & R (docket #25) is ADOPTED as the opinion of this Court, as supplemented by the rulings in the present order. IT IS FURTHER ORDERED, for the reasons stated in the R & R and this order, that Respondents' August 14, 2013 motion to dismiss and strike (docket #18) is GRANTED IN PART and DENIED IN PART, in accordance with the rulings in the Magistrate Judge's R & R, and that Respondents' August 14, 2013 motion for sanctions (docket #19) is DENIED.

In light of these rulings, and in accordance with the recommendations in the Magistrate Judge's R & R, (*see* R & R at 2-3), IT IS FURTHER ORDERED that any claims asserted by Declarant Aleta Rivera Atchison-Jorgan in this miscellaneous action are DISMISSED WITH PREJUDICE, and that Declarant's submissions in this miscellaneous action (docket nos. 1-2 and 4-16) are STRICKEN from the docket as filed without legal authority and as frivolous and vexatious. Finally, Declarant Aleta Rivera Atchison-Jorgan is expressly cautioned that any further such submissions in the future will subject her to sanctions, including, but not limited to, dismissal of her claims and

suits, the imposition of monetary sanctions, and the entry of an order enjoining her from any further filings without leave of the Court.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 17, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 17, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135